THE CHARITABLE ENDOWMENTS ACT, 1890 (VI OF 1890).†

G. N., G. D., No. 4889 (B), dated 17th Mar. 1924 (B. G., Pt. I, p. 582).

S. 13 (2) Bombay Charitable Endowments Rules, 1923.

Amended by G. N., G. D., No. 4889, dated 6th March 1930.
Amended by G. N., G. D., No. 4889, dated 8th January 1934.
Amended by G. N., G. D., No. 4889, dated 2nd April 1935.
Amended by G. N., G. D., No. 4889, dated 25th November 1936.
Amended by G. N., G. D., No. 4889, dated 18th July 1938.

In exercise of the powers conferred by sub-section (2) of section 13 of the Charitable Endowments Act, 1890 (VI of 1890), as amended by the Devolution Act, 1920 (XXXVIII of 1920), and in supersession of the Notification of the Government of India in the Home Department No. 1569, dated the 24th October 1890, as subsequently amended so far as it applies to the Presidency of Bombay, the Government of Bombay is pleased to prescribe the following forms and to make the following rules, namely :—

1. *Short Title.*—These rules may be called the Bombay Charitable Endowments Rules, 1923.

2. *Interpretation.*—In these rules—

(*a*) "the Act" means the Charitable Endowments Act, 1890.

(*b*) "The Treasurer" means the Treasurer of Charitable Endowments for the State of Bombay for the time being, appointed under sub-section (*1*) of section 3 of the Act.

3. *Cases in which previous publication of vesting orders and schemes should be made.*—In cases in which private persons apply for a vesting order or a scheme or modification of a scheme and in all cases in which it is proposed to depart in any respect from the ascertained wishes or presumable intentions of the founder of an endowment, there should ordinarily be previous publication of the proposed vesting order and scheme or modification of scheme.

4. *Mode of previous publication.*—(1) When the State Government is of opinion that a proposed vesting order or proposed scheme or modification of a scheme should not be made or settled without previous publication, it shall publish a draft of the proposed order, scheme or modification of a scheme signed by one of its Secretaries, for the information of persons likely to be affected thereby.

(2) The publication shall be made in the *Bombay Government Gazette* and in such other manner as the State Government may prescribe.

(3) There shall be published, with the draft a notice specifying a date on or after which the proposed order, scheme or modification of a scheme will be taken into consideration by the State Government.

(4) The State Government shall consider any objection or suggestion which it may receive from any person with respect to the proposed order, scheme or modification thereof before the date specified in the notice under sub-rule (3).

† For entrustment of functions of the Central Government under sections 4, 5, 9, 10, 11, 12 and 13 of the Act see G. of I., Finance Dept., Notn. No. D/2336–F, dated 29th March 1938, under section 124 (*1*) of the Government of India Act, 1935.

5. *Incidence of cost of vesting orders and of schemes.*—The cost of the previous publication under rule 4 of any proposed order, scheme or modification of a scheme, and any other costs incurred or which may be incurred in the making of the order or in the settlement of the scheme or modification of a scheme, shall be paid by the applicant for the order, scheme or modification of a scheme, and if the State Government so directs, may be paid by him out of any money in his possession pertaining to the trust to which his application relates.

5-A. No securities for money except the securities mentioned in clauses (*a*) to (*d*) of section 20 of the Indian Trusts Act, 1882, shall be vested in the Treasurer.

6. *Accounts of trusts consisting of immovable property.*—In the case of property vested in the treasurer other than securities for money, the person acting in the administration of the trust, and having under sub-section (*3*) of section 8 of the Act the possession, management, and control of the property and the application of the income thereof shall, in books to be kept by him, regularly enter or cause to be entered, full and true accounts, of all moneys received and paid respectively on account of the trust, and shall, on the demand of the State Government, submit annually to such public servant as the State Government may from time to time appoint in this behalf, in such form and at such time as the State Government may from time to time prescribe, an abstract of those accounts and such returns as to other matters relating to the administration of the trust as the State Government may from time to time see fit to require.

7. *Fees.*—The following are prescribed as the fees to be paid to the State Government in respect of any property vested under the Act in the Treasurer :—

(*i*) In the case of property other than securities for money, the actual charges incurred by the Treasurer in the discharge of his functions in respect of the property.

(*ii*) In the case of securities for money, at the rate of one pie for every rupee of interest collected. The fee shall be charged on interest by rounding off the amount to the nearest rupee, fractions of a rupee below eight annas being disregarded and eight annas or more being reckoned as one rupee. In calculating the amount of fee payable in each individual transaction, fractions of an anna below half an anna shall be disregarded and half or a larger fraction of an anna reckoned as one anna.

The Treasurer may deduct any fees payable to the State Government under this rule on account of any endowment from any money in his hands on account of such endowment. If he holds no such moneys the amount shall be claimed from the administrators of the endowment.

8. *Vesting orders how filed.*—All copies of vesting orders received by the Treasurer shall be filed together and shall be numbered in consecutive order of their receipt : when a sufficient number have been received, they shall be bound in volumes. A note shall be made on each vesting order of any entries in the registers prescribed below relating to the property vesting in the Treasurer under the order.

ACCOUNTS OF SECURITIES FOR MONEY.

9. *Registers of securities.*—On the receipt of any securities for money, or on their purchase by himself, the Treasurer shall record their receipt in a register in Form No. 1 hereto appended. He shall also keep a separate account for each endowment in Form No. 2 hereto appended, in which he shall record all receipts including any amounts sent for investment, and all disbursements. In the cash account in Part II the Treasurer will record only his own transactions (such as the payment of the money to the administrators), not the transactions of the administrators of the endowment fund.

10. *Stock Disposal Register.*—The Treasurer shall enter all securities returned or sold by him in a register in Form No. 3 hereto appended. The return shall also be entered in Form No. 2 hereto appended, where the amount returned will be deducted from the capital of the endowment concerned.

11. *Custody of securities.*—On the issue of a vesting order, under section 4 of the Act in respect of any securities for money, the person authorised under section 6 of the Act to make the application for such vesting order shall, as soon as practicable, forward to the Treasurer the said securities duly endorsed in his favour. The treasurer shall, after recording the receipt of the said securities in the register kept under rule 9 take steps, as soon as practicable, to have them converted into stocks and keep the stock certificate in his custody.

12. *Accounting of interest.*—The Treasurer, on receipt of any interest on securities will pass it through his General Trust Interest Account under a special sub-head "Interests on Charitable Endowments under Act VI of 1890". The interest will then be distributed to the various ledger accounts in the register in Form No. 2 hereto appended, in which the gross amounts must be shown, any deductions for fees, etc., being shown as a charge and the payment of the balance to the administrators being shown as a disbursement. The entries in the ledger of interest received must be taken out and agreed annually with the total amount of the interest drawn.

13. *Balance Sheet.*—The register in Form No. 1 hereto appended shall show all securities vested in the Treasurer as such. In order to prove the balance actually held by the Treasurer in his own hands, a balance sheet in Form No. 4 hereto appended shall be made out annually and agreed with the actual securities in the Treasurer's possession. Such agreement shall be certified on the balance sheet.

14. *Publication of accounts.*—A list of all properties vested in the Treasurer and an abstract of the accounts of the interest and the annual agreement of balance shall be published in the *Bombay Government Gazette* on the 15th June of each year.

Property other than Securities.

15. *Register of Property other than Securities.*—The Treasurer shall enter in a register in Form No. 5 hereto appended any property other than securities which becomes vested in him, and shall record in the same register against the original entry a note of any property of which he is divested.

Publication of Lists and Abstract of Accounts.

16. *Form of publication of list and abstract.*—The list of properties vested in the Treasurer to be published annually under rule 14 shall be in Form No. 6 hereto appended. Part I will relate to properties other than securities : Part II will relate to securities and will also contain the abstract of accounts required by the Act to be published. The Treasurer shall demand and receive acknowledgments from the administrators of endowment funds of the correctness of the balances when so published.

Audit of Accounts.

17. *Audit.*—The Treasurer's accounts shall be audited annually by the Local Audit Department of the Accountant General's Office.

FORM No. 1.

Register of Securities held under Act VI of 1890.

Serial No.	Date of receipt.	Name or brief description of Charitable Endowment.	Particulars of Securities received.			Particulars of Securities received—*contd.*			Ledger folio.	Remarks.
			From whom received.	No. and date of forwarding letter.	Nature of Securities, e.g., Government securities, 3½ per cent. Loan of 1865, Guaranteed, Railway Debentures, etc., etc.	Distinguishing number of each security.	Nominal value of each security.	Total nominal value of each separate endowment.		
1	2	3	4	5	6	7	8	9	10	11

FORM No. 2.

Ledger Account of Securities held under Act VI of 1890.

1. Name of Endowment.
2. Particulars of vesting order.
3. When vested in Treasurer.
4. Names of Administrators.
5. To whom interest is to be sent.

PART I—Account of Capital.

Serial No. in Form 1.	Particulars (e.g., received or returned).	Detail of securities (distinguishing number, etc.).	Value of each Security (separate column for each kind).				Amount of half-yearly interest.	Date to which interest has been paid on receipt.	Initials of Treasurer or Assistant-in-charge.
			3½ per cent. Loan of 1865	Guaranteed Railway.					

N.B.—The balance of the value columns must be worked out on every day on which there is a new entry.

PART II—Cash Account.

Receipts.			Expenditure.		
Date.	Particulars.	Amount.	Date.	Particulars.	Amount.

N.B.—To be closed annually to balance. The transactions will not be numerous. A few pages of the ledger (ruled only for the Cash Account) may be left for each account, so that the account may be carried on for several years without opening a fresh Ledger Account.

FORM No. 3

Stock Disposal Register of the 3½ of

Serial No.	Date of entry.	Name of the Fund or Trust.	No. of entries in Stock Register.

Amounts disposed of.	How disposed of	G. O.'s initials.	Official Designation of Officer.

FORM No. 4.

Balance Sheet of Securities held under Act VI of 1890.

Particulars.	3½ per cent. loan of 1865.	
	No.	Value.
Opening Balance (from last year) securities received		
Stock certificates received		
Grand Total ...		
Deduct—		
Sent to the P. D. O., Reserve Bank of India, for coversion into stock.		
Balance ...		
Deduct—		
Returned or sold		
Balance ...		
Add—		
Sent for conversion out of which stock certificates have not been received		
Closing Balance ...		

(A pair of columns for each different kind of Security held.)	Total.	
	No.	Value.

Certified that the above closing balance has been compared with the securities in Treasurer's possession and has been found to agree both as to number and value.

FORM No. 5.

Register of Properties, other than Securities held under Act VI of 1890.

Serial No.	Particulars of vesting order.		Name of endowment.	Administrators of property.	Property held.		
	Number.	Date.			Description.	Value.	Annual income if known.
1	2	3	4	5	6	7	8

Title Deeds held.						Initials of Treasurer or Assistant in charge.	Remarks.
Description.	Date of receipt.	Where deposited.	Date of return.	To whom returned.	Authority for return		
9	10	11	12	13	14	15	16

FORM No. 6.

List and Abstract Account of Properties, held under Act VI of 1890.

PART I—List of Properties other than Securities.

Serial No.	Particulars of vesting order.		Name of endowment.	Administrators of property.
	No.	Date.		
1	2	3	4	5

Property held.			Remarks.
Description.	Value.	Annual income if known.	
6	7	8	9

PART II—List and Abstract Account of Securities.

Case No.	Name of endowment.	Person in whose behalf held.	Particulars of securities.	Total of Securities.

Cash Receipts.			Cash expenditure.	Balance cash.	Remarks.
Interest or dividend realised.	Other cash receipts.*	Total cash receipts.	Payments.*		

* Enter details in these columns.

FORM No. 7.

Treasurer's Stock Register of per cent. loan of

No. of case in Form No.	Serial No.	Date of entry.	To what Fund or Trust the investment belongs.	To whom interest is to be remitted.

Amount of investment.	Amount of half yearly interest.	(Pair of columns for noting interest payment orders).	Remarks.
Rs. a. p.	Rs. a. p.	Rs. a. p.	

FORM No. 8.

Register of clean Government Promissory Notes and stock certificates held by the Treasurer of Charitable Endowments, Bombay.

Serial No.	Date of entry.	In conversion of	Particulars.	
			Receipts.	
			No.	Amount.
				Rs. a. p.

Particulars—*contd.*		(A pair of columns for noting interest for half year ending).	Remarks.
Disposals.			
No.	Amount.		
	Rs. a. p.		

FORM No. 9.

Form of Payment Order.

(Current for six months only.)

No.

Office of the Treasurer of Charitable Endowments, Bombay.

Dated the 19 .

Interest upon Charitable Endowments Fund.

Administrators.

Amount of Principal Rs.
in per cent. paper of

Interest for the half year ending
Rs.
Treasury upon which issued.

No.

Office of the Treasurer of Charitable Endowments, Bombay.

Dated the 19 .

Interest upon Charitable Endowments Fund. { Voucher No. of List of Payments for.

Administrators.

The Collector of / Reserve Bank of India, Bombay, is hereby authorised to pay to the Administrators abovenamed, upon receipting this order, the sum of Rs.

and to charge the same in his list of Payments to Trust Interest Fund, subhead Interest on Charitable Endowments under Act VI of 1890.

Assistant Accounts Officer for Treasurer of Charitable Endowments.

Rupees in per cent. Government Promissory Notes of

Interest for the half year ending
Rs.

Dated

Pay Rupees

Accountant. Treasury Officer.